

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESS JAMES RUTHERFORD, JR.,

Defendant.

CR 13–53–GF–DLC

ORDER

United States Magistrate Judge Keith Strong entered Findings and Recommendation in this matter on July 18, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Strong recommended this Court accept Jess James Rutherford, Jr.'s guilty plea after Rutherford appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of Assault Resulting in Serious Bodily Injury in violation of 18 U.S.C. § 1153(a) and 113(a)(6), as set forth in the Indictment.

I find no clear error in Judge Strong's Findings and Recommendation (doc. 22), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Jess James Rutherford, Jr.'s motion to change plea (doc. 16) is GRANTED.

DATED this 13<sup>th</sup> day of August 2013.



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Dana L. Christensen, Chief District Judge  
United States District Court